

Attorney Docket # 4100-330

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Eduard HOFFMANN et al.

Serial No.: 10/732,973

Filed: December 10, 2003

For: Rubber Cylinder Sleeve for Offset Presses

Examiner: Ferguson, M. L.
Group Art: 2854

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

This is a Request for a Panel Review of Issues on Appeal in accordance with the Office Gazette Notice dated July 12, 2005. The present request is filed concurrently with a Notice of Appeal and is filed before an Appeal Brief. No amendments are being filed with this request.

Arguments supporting the Request for Review begin on page 2 of the present communication.

ARGUMENTS

This Notice of Appeal and Request is filed in response to the final Office Action dated March 10, 2005 and in response to the Advisory Action dated July 5, 2005.

The matter to be reviewed is whether claims 1-7 are obvious over U.S. Patent No. 5,323,702 (Vrotacoe '702) in view of U.S. Patent No. 6,105,498 (Vrotocoe '498).

Independent claim 1 recites a sleeve with a rubber covering having elastic layer elements, wherein "the elastic layer elements being uniform in the circumferential direction and prestrained to varying degrees as a function of axial position so that the sleeve has a tangential stiffness profile which varies in the axial direction and is symmetric with respect to the axial center of the sleeve".

As acknowledged by the Examiner, Vrotacoe '702 fails to disclose teach or suggest a varying stiffness profile in the axial direction, or any measure for achieving such a profile. The Examiner states in both the final Office Action and the Advisory Action that the pretraining is a process step and that U.S. Patent No. 6,105,498 (Vrotocoe '498) achieves the same finished product. The Examiner refers to MPEP §2113.

Applicant respectfully submits that independent claim 1 clearly recites structural limitations requiring a rubber covering having elastic layer elements that are prestrained to varying degrees as a function of axial position. The Examiner alleges that because Vrotacoe '498 discloses a variable stiffness, Vrotacoe '498 teaches or suggests the limitations of independent claim 1.


MPEP §2113 clearly states that the structure implied by the process steps should be considered. Applicants respectfully submit that the structure implied by independent claim 1 includes elastic layer elements that are prestrained. This structural limitation can not be ignored. The varied stiffness profile disclosed by Vrotacoe '498 fails to disclose, teach, or suggest elastic

layer elements that are "prestrained to varying degrees as a function of axial position so that the sleeve has a tangential stiffness profile which varies in the axial direction and is symmetric with respect to the axial center of the sleeve", as expressly recited in independent claim 1. In contrast, col. 5, lines 9-15 of Vrotacoe '498 merely discloses that the blanket may include a blanket that is stiffer at the ends than at the center. However, there is no teaching or suggestion in Vrotacoe '498 of how this is accomplished. The stiffness profile disclosed by Vrotacoe '498 is merely a characteristic and does not teach or suggest a specific structure for achieving the variable stiffness. Since Vrotacoe '498 fails to teach or suggest how the variable stiffness profile is accomplished, Vrotacoe '498 can not be considered to disclose or teach elastic layer elements "prestrained to varying degrees as a function of axial position so that the sleeve has a tangential stiffness profile which varies in the axial direction and is symmetric with respect to the axial center of the sleeve", as expressly recited in independent claim 1.

In view of the above remarks, independent claim 1 is deemed to be allowable over the prior art of record.

Dependent claims 2-7, each being dependent on independent claim 1, are allowable for at least the same reasons as is independent claim 1, as well as for the additional recitations contained therein.

Respectfully submitted,
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